

CITY OF TEMPE REQUEST FOR COUNCIL ACTION

Council Meeting Date: 11/7/2013
Agenda Item: 5C1

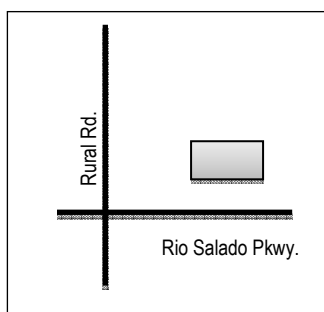
ACTION: Introduce and hold the first public hearing to adopt an ordinance for an Amended Planned Area Development Overlay for LPC SOUTHBANK, located at 1190 East Vista Del Lago Drive. The applicant is Snell & Wilmer LLP. The second and final public hearing is scheduled for November 21, 2013. (Ordinance No. 2013.57) *(This item was continued from the October 24, 2013 Formal Council Meeting, at the request of the Applicant)*

FISCAL IMPACT: While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

RECOMMENDATION: Adopt Ordinance No. 2013.57
Staff – Approval, subject to conditions
Development Review Commission – Denial (6-1 vote) Commissioner Barger dissenting

BACKGROUND INFORMATION: LPC SOUTHBANK (PL130265) consists of a new apartment complex at the Southbank development, formerly known as The Pier at Town Lake, Review consisting of two new 4-story multi-family buildings, totaling 358 units and approximately 672,000 sf. of building area. The request includes the following:

PAD13011 Amended Planned Area Development Overlay for an increase in residential density for Lot 5 from 0 to 149 units; and a reduction in the minimum required vehicle parking for Lot 5 from 280 to 276 spaces and for Lot 6 from 388 to 363 spaces.



Property Owner	Pier at Town Lake LLC
Applicant	Nick Woods, Snell & Wilmer LLP
Current Zoning District	MU-4 (PAD), Rio Salado Overlay District
Gross/Net site area	6.12 acres
Total Units / Density	358 units / 58.5 du/ac
Total Building area	672,533 sf.
Lot Coverage	60%
Building Height	58 ft. (251'-8" / 291'-6" maximum allowed)
Building Setbacks	9' south, 15'/5' west, 5'/15' east, 15' north
Landscape area	35% / 29%
Vehicle Parking	639 spaces (668 min. spaces required)
Bicycle Parking	252 spaces (252 min. spaces required)

ATTACHMENTS: Ordinance, Development Project File

STAFF CONTACT(S): Ryan Levesque, Senior Planner, (480) 858-2393

Department Director: Dave Nakagawara, Community Development Director
Legal review by: Teresa Voss, Assistant City Attorney
Prepared by: Ryan Levesque, Senior Planner

COMMENTS:

This site is located in what is called "Southbank" (formally known as The Pier at Town Lake) northeast of Rural Road and Rio Salado Parkway along Vista Del Lago Drive. The property is directly adjacent to the Tempe Town Lake to the north and neighbored by the ASU Karsten Golf Course to the east and south side of Rio Salado Parkway. All other surrounding properties are currently vacant.

In 2007, the "Pier 202" project proposed a master plan development consisting of nine (9) new buildings ranging from 187 to 310 feet in height for commercial space, a 285 room hotel and 1,484 residential units, all on 27 acres. The developer processed a Planned Area Development Overlay that established development standards for five (5) of the nine (9) total lots. Since that time, one additional lot was approved for a 17-story senior living facility (with independent care, assisted living and memory care components), two levels of underground parking and a 2-story commercial building. This approval is still active.

This request for LPC SOUTHBANK consists of the following:

1. An Amended Planned Area Development Overlay from the existing development standards established for Lot 5 and Lot 6, including an increase in residential density for Lot 5 from 0 to 149 units; and a reduction in the minimum required vehicle parking for Lot 5 from 280 to 276 spaces and for Lot 6 from 388 to 363 spaces.

LPC SOUTHBANK provides a new multi-family residential development consisting of two 4-story buildings on their own lot. The developer will also be charged with the landscape improvements within Tract B, located between both lots.

This is the second proposed development plan of the nine lots at Southbank. The original master plan vision for this area provided high rise development with unique forms of architecture to capture scenic views and display a significant presence along the Tempe Town Lake.

The site is located along the northern portion of the Southbank development site, consisting of Lots 5 and 6 and Tract B. The site is accessible off of Rio Salado Parkway from Pier Drive (signalized intersection), Newberry Lane or McKinney Drive. LPC (Lincoln Property Company) has proposed two separate buildings with separate parking garages for the residents and their guests. Lot 6, to the east, will provide the leasing office and club room amenities, within two floors of the building. There are a total of 4 private courtyard amenity areas, plus an additional common area tract separating both building sites. To the north of the site is the access control levee and linear park of the Tempe Town Lake. Pedestrian access from the street to the linear park can be provided by either through the building's stairwell exits and courtyards (for resident's use only) and through the common area tract between the buildings. The parking garage provides access to all levels of the building floors for residents. There is also on-street public parking adjacent to the project site.

PUBLIC INPUT

A neighborhood meeting is not required for this PAD request. The site is more than 300 feet from the nearest residential use. At the time the report was completed staff has not received any additional public input on this project.

Development Review Commission

On October 8, 2013, the Development Review Commission recommended denial of the Amended Planned Area Development Overlay and denied the Development Plan Review for LPC SOUTHBANK, consisting of a 4-story multi-family development for site plan, building elevations, and landscape. In summation, the Commission denied the request because the project was not in concert with the Planned Area Development for Southbank and the vision for the town lake as it relates to building intensity, uniqueness, and compatibility with materials found in the projects at this location.

PROJECT ANALYSIS

PLANNED AREA DEVELOPMENT

Along with a designation of mixed-use zoning (MU-4), applicants are required to process a Planned Area Development Overlay (PAD) to establish the desired standards not currently defined within the MU-4 district. Lots 5 & 6, included on this

development already have standards, which may or may not be modified. Below is a list of district standards proposed and the other South Bank lots approved development standards for this PAD.

South Bank – Planned Area Development Overlay									
Standards	Lot:	3	1	9	6	Proposed Lot 6	5	Proposed Lot 5	4
Lot Acreage		2.23	3.10	3.60	3.34	3.34	2.78	2.78	1.20
Residential Density (# of dwelling units)		262	105	384	302	209	-	149	79
Building Height [Exceptions, see Section 4-205(A)]									
Building Height Maximum		211 ft.	187 ft.	310 ft.	292 ft.	58 ft.	252 ft.	58 ft.	234 ft.
Maximum Lot Coverage (% of net site area)		43%	72%	69%	70%	60%	61%	61%	43%
Minimum Landscape Area (% of net site area)		16%	28%	31%	29%	29%	39%	35%	55%
Setbacks (feet) Exceptions, see Section 4-205(B)]									
Front Parking		9 ft. 20 ft.							
Street Side (South) Parking		25 ft. 20 ft.	31 ft.	50 ft.	22 ft.	9 ft.	20 ft.	9 ft.	23 ft.
Side (west)		1 ft.	15 ft.	26 ft.	5 ft.	5 ft.	30 ft.	15 ft.	44 ft.
Side (east)		9 ft.	31 ft.	16 ft.	90 ft.	15 ft.	18 ft.	5 ft.	23 ft.
Side (north)		16 ft.	31 ft.	23 ft.	31 ft.	15 ft.	34 ft.	15 ft.	22 ft.
Vehicle Parking Required: Provided:		458 187	1,000 1,082	915 891	647 652	388 363	806 433	280 276	138 146
Bicycle Parking Required: Provided:		182 53	-	-	-	105 105	-	105 105	-

The proposed PAD for Lot 5 – LPC Southbank, requests an increase in residential density from 0 to 149 dwelling units. The previous entitlement for Lot 5 was planned for a hotel (commercial). The proposed density is consistent with the overall PAD and projected density for this development area. The project originally had proposed integrated commercial on these sites, which would account for the required mix of uses within this development. This request does not propose any mixed use and was recommended by staff to incorporate a permanent commercial use into the development.

The LPC Southbank development is a 4-story proposal (58 feet in height). This building height is well below the maximum entitled building heights of 252 and 292 feet for each site. The original vision for the The Pier at Townlake had varying building heights (ranging from 187 to 310 feet) with portion of each site having a lower scale to provide relief in the building wall, which provided visibility through the site and on to the town lake. At this time, there are no minimum building heights required for this area. As proposed the project would be considered underdeveloped and not consistent with the original vision planned for this area.

In addition, the PAD is seeking modifications to the minimum required vehicle parking spaces within the Zoning and Development based on the professional parking analysis provided by the applicant. The proposal recommends the minimum vehicle parking for Lot 5 from 280 to 276 spaces, and for Lot 6 from 388 to 363 spaces. This accounts for an overall 4% reduction in the total provided parking for the development. Furthermore, there are 17 additional public parking spaces currently delineated on the existing street configurations, which are not counted towards the required spaces. Staff is in support of the minor adjustment proposed in the parking requirements for this development.

The proposed building setbacks are primarily dictated by the existing easements in place for public utilities, sidewalk

easements for public access, and fire access lane along the northern property line. The applicant is also seeking modification of the existing well maintenance easement, pending for review required by the Public Works, Water Utilities Division.

Section 6-305 D. Approval criteria for P.A.D. (in italics):

1. *The proposed land uses are permitted in Part 3.* The residential land use is a permitted within this district. All mixed-use districts require the integration of commercial and residential uses to support pedestrian circulation and transit as alternates to driving, and providing employment and housing options. A commercial land use at Southbank has yet to be established and will require one of the future development lots to provide this component.
2. *The development standards listed above, as established as part of the PAD Overlay District, as well as the standards allowed by use permit in Part 4 will be conformed to for development of this site.* The development standards proposed with this development and request for parking reductions will allow the project to be in conformance with the PAD for Lots 5 and 6 respectively. The standards proposed for building height are not consistent with the maximum heights established for the original approved projects, and provide a large disparity from what was originally conceived. At this time, there are no restrictions to the proposed building height that would require more intensity from the development.
3. *The proposed PAD is in conformance with provisions in Part 5, Overlay Districts.* The site is located with the Rio Salado Overlay and will conform to the levee setback requirements.
4. *The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.* The conditions as proposed will ensure conformance to the proposed project standards.

Conclusion

Based on the information provided and the above analysis, staff recommends approval of the requested Planned Area Development Overlay. The PAD was specifically designed to allow greater flexibility for increased building heights, density and modified parking standards. The project, although not consistent with the approved height intensity, is within the parameters of the development standards afforded. The minor adjustment to the required parking will not be detrimental to the surrounding area.

PAD13011

CONDITIONS OF APPROVAL:

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. A building permit application shall be made on or before, November 21, 2014, or the PAD for the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than December 7, 2013, or the Amended Planned Area Development Overlay approval shall be null and void.
3. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.

HISTORY & FACTS:

September 10, 1998	City Council approved the request for CIUDAD DEL LAGO-RIO EAST for a Final Planned Area Development consisting of the Peabody Hotel, located at 1200 East Rio Salado Parkway.
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May 17, 2007	City Council approved the request of an Amended Planned Area Development Overlay for PIER 202 (PL060548) consisting of nine (9) new buildings up to 310 feet in height for commercial, 285 room hotel and 1,484 residential units on +/-27.4 acres, located at 1200 East Rio Salado Parkway, in the MU-4, Mixed-Use High Density District.
August 14, 2007	Development Review Commission approved a Preliminary Subdivision Plat and a Development Plan Review consisting of a landscape plan for street frontage, requested by PIER 202 located at 1200 East Rio Salado Parkway.
April 24, 2012	At the Development Review Commission study session, the applicant for the Villas at South Bank provided an overview presentation of the project.
May 8, 2012	Development Review Commission approved the request for VILLAS AT SOUTH BANK (PL120046) (City of Tempe, property owner; MDT Development Partners LLC, applicant) consisting of 262 units within a 17-story senior living facility (including assisted living and memory care components) and a 2-story commercial building, totaling 367,896 sf. in building area on 2.23 net acres, located at 1122 East Vista Del Lago Drive in the MU-4 (PAD), Mixed-Use High Density District with a Planned Area Development Overlay and the Rio Salado Overlay District. The request includes the following: ZUP12025 – Use Permit to allow tandem parking. DPR12032 – Development Plan Review including site plan, building elevations and landscape plan.
June 14, 2012	City Council approved the request for VILLAS AT SOUTH BANK (PL120046) (City of Tempe, property owner; MDT Development Partners LLC, applicant) consisting of 262 units within a 17-story senior living facility (including assisted living and memory care components) and a 2-story commercial building, totaling 367,896 sf. in building area on 2.23 net acres, located at 1122 East Vista Del Lago Drive. The request includes the following: PAD12002 (Ordinance No. 2012.23) – An Amended Planned Area Development Overlay to establish development standards of 118 dwelling units per acre; a maximum building height of 211'-0"; reduce the required vehicle parking from 458 to 187 spaces, and reduce the required bicycle parking from 182 to 53 spaces.
October 8, 2013	Development Review Commission recommended denial of the Amended Planned Area Development Overlay and denied the Development Plan Review for LPC SOUTHBANK, located at 1190 East Vista Del Lago Drive. (6-1 vote) Commissioner Barger a dissenting vote, in favor of the request.
October 24, 2013	City Council tentative scheduled introduction and first public hearing for this request. (CONTINUANCE REQUESTED BY APPLICANT)
November 7, 2013	City Council scheduled introduction and first public hearing for this request.
November 21, 2013	City Council scheduled second and final public hearing for this request, and appeal of the Development Review Commission's denial for the development plan review.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-305, Planned Area Development (PAD) Overlay districts